

# **EXHIBIT 3C**

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1 this e-mail?  
 2 A I don't know.  
 3 Q Would he have been reporting in some  
 4 fashion to Melody Curtis?  
 5 A No. He was -- but he was team lead,  
 6 perhaps, at her request.  
 7 Q What does that mean?  
 8 A Meaning she was searching for someone  
 9 to -- to create these -- this report, and she found  
 10 him.  
 11 I don't know how it worked because I  
 12 wasn't here at the time. I wasn't with IBM WorkForce  
 13 Management at the time.  
 14 Q You're saying this -- the e-mail that was  
 15 forwarded to you by Tom Guinard was drafted during the  
 16 time you didn't work for --  
 17 A No.  
 18 Q -- WorkForce Management?  
 19 A No. Tom was picked by Melody prior to my  
 20 joining to do the DORs. That's what I was saying.  
 21 Q Do you mean before 1996 when you first  
 22 worked?  
 23 A Before 2000 -- before I rejoined in late  
 24 2004, early 2005.  
 25 Q So before you rejoined, Tom Guinard had

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1 been selected to be the DOR --  
 2 A To -- to work on the DOR project.  
 3 Q Okay.  
 4 A To be the team lead for the DOR project.  
 5 Yes, I believe so.  
 6 Q And he had been selected by  
 7 Melody Curtis?  
 8 A I believe so.  
 9 Q And was she in charge of the entire DOR  
 10 project?  
 11 A No, but I believe that she was on a  
 12 committee that -- that chose Tom to work on it.  
 13 Q Who else was on that committee?  
 14 A I don't know.  
 15 Q Well, could Melody Curtis fire  
 16 Tom Guinard if she wanted to?  
 17 MR. RAY: Objection to the extent it  
 18 calls for speculation.  
 19 THE WITNESS: I don't know, but she's in  
 20 the United States and he's in Canada. I don't  
 21 know.  
 22 BY MR. LANGE LAND:  
 23 Q Did anybody ask you what you meant when  
 24 you sent out this e-mail?  
 25 A Never had any response.

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1 Q Nobody responded?  
 2 A (Witness shook head.)  
 3 Q Do you know if this was implemented as a  
 4 policy?  
 5 A I never followed up. I never had any  
 6 followup come to me. I have never had any -- I never  
 7 had any further news about in.  
 8 Q You just forwarded it?  
 9 A I just sent it out to the managers.  
 10 Q And you didn't really analyze what it  
 11 meant.  
 12 A That one -- that one paragraph, I didn't.  
 13 What I cut and pasted, I didn't, right.  
 14 Q Didn't you cut and paste the whole thing?  
 15 A I wrote parts of it and then plugged in  
 16 the cut and paste part and sent it out.  
 17 I had already written part of -- I had  
 18 already written part of the note, and I cut and paste,  
 19 and then sent it out.  
 20 Q What parts did you write?  
 21 A The beginning and --  
 22 Q From where?  
 23 A From -- from: To all through the third  
 24 paragraph on the second page where it says: Any  
 25 seniors, team leads, admin, et cetera.

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1 Q Okay.  
 2 A And then I cut and paste from: As we  
 3 move down to the two paragraphs that we've been  
 4 discussing, and then I wrote the rest.  
 5 Q And you didn't analyze the two paragraphs  
 6 that you cut and paste?  
 7 A That's right. It was a very quick thing.  
 8 Q What was your understanding of the  
 9 purpose of the e-mail?  
 10 A To advise the managers that there's been  
 11 a change to the report.  
 12 Q And were they supposed to follow the  
 13 procedure contained in this e-mail?  
 14 A It's -- it's only -- it's only advice.  
 15 Q So they were free to disregard it if they  
 16 wanted to?  
 17 A It's up to them.  
 18 Q Why would you be advising them to do  
 19 this?  
 20 A It was an effort to send them advice if  
 21 they wanted to improve how their report looked. I  
 22 can't give them orders.  
 23 Q Okay. So if they wanted to improve their  
 24 report, they should not be accumulating unproductive  
 25 hours.

<p style="text-align: right;">Page 170</p> <p>1 A Those are not my words, so I can't say 2 that. 3 Q But that would improve the report; isn't 4 that right? 5 MR. RAY: Which report? 6 THE WITNESS: Not -- yeah. Not 7 necessarily. It depends on what you're asking. 8 BY MR. LANGE LAND: 9 Q You were the one who said report, so what 10 were you talking about? 11 A It would not have any effect on the main 12 DOR report. 13 Q No, no, no. Let's go back. 14 Which report were you talking about? You 15 said if they wanted to improve their report, they 16 should follow the advice in this e-mail. 17 A Right. And this -- 18 Q Which report? 19 A This e-mail is regarding -- 20 Q Which report? 21 A -- the DOR report. 22 Q The DOR, just the DOR? 23 A The DOR report, yeah. 24 Q Okay. 25 A A change in the DOR report.</p>	<p style="text-align: right;">Page 172</p> <p>1 with being staffed or overstaffed. 2 It's how they're conducting their 3 business throughout -- throughout the day. 4 Q That has to do with whether they're 5 staffed properly or overstaffed, how they're 6 conducting the business during the day. 7 A I'm not sure. 8 Q Why is anybody concerned with 9 unproductive hours? 10 A They would prefer that the percentage of 11 time that people are on the phone -- are working the 12 phones, either being on phones or waiting for the next 13 phone call -- be a high percentage rate. 14 Q Why? 15 A That would be the most likely way to have 16 good service levels which is the main goal. 17 Q So if somebody is coming into work and 18 logging on the phone 30 minutes before their start 19 time, isn't that going to decrease the service level? 20 A I can't see how, no. 21 Q If they're in AUX during that time, would 22 they be decreasing -- 23 A It may have no effect on the service 24 level at all. 25 It depends on how the calls are being</p>
<p style="text-align: right;">Page 171</p> <p>1 Q So if they wanted to improve the DOR 2 report, they followed the advice in the e-mail. 3 A They had that option, yes. 4 Q If a call center is accumulating 5 unproductive hours, doesn't that mean that IBM is 6 overstaffing? 7 A I don't know. You would have to take the 8 individual situation and -- and analyze volumes and 9 average handle time and -- and come up with a 10 head-count figure. 11 Q And how would unproductive hours relate 12 to that? 13 A How would it relate to the DOR report? 14 Q No. If you're saying, okay, well -- 15 you're looking at a situation and seeing whether or 16 not it's overstaffed. 17 A We would not be looking at unproductive 18 hours. We would be looking at volumes and average 19 handle times and forecasting when volumes would be 20 coming in and then figuring out what kind of a head 21 count would cover those hours. 22 Q So unproductive hours would not have 23 anything to do with whether or not a group was 24 overstaffed? 25 A No. It would not have anything to do</p>	<p style="text-align: right;">Page 173</p> <p>1 answered, if they're being answered within the 2 requisite time. 3 Q You can't answer a call if you're in AUX, 4 can you? 5 A No. You -- you would have to go into a 6 different state. 7 Q So if you were coming in early and 8 logging on but you were in AUX, that would negatively 9 affect the service levels, wouldn't it? 10 MR. RAY: Objection, asked and answered. 11 THE WITNESS: We have already covered 12 this. 13 BY MR. LANGE LAND: 14 Q Okay. What's your answer? 15 A If someone comes in early and is in an 16 AUX code, this is all time before their schedule. I 17 don't see how that would affect what happens during 18 the day at all. 19 It -- to me, the service level would 20 probably be the same. 21 Q So let's say a CSR comes in at -- his 22 scheduled time is at 9:00, and his scheduled departure 23 is at 5:00, and for the first 30 minutes of the day 24 he's in AUX. 25 Would that decrease the service level?</p>

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1 MR. RAY: The same objection, asked and  
2 answered now twice at least.

3 THE WITNESS: Not necessarily.

4 BY MR. LANGE LAND:

5 Q Because --

6 A Because it depends on how the other  
7 people are answering the phone calls, if they're  
8 answering them within the service level.

9 Q Do you know whether it's the practice for  
10 CSRs to come in early and boot up their machines  
11 before they log in?

12 A I don't know.

13 Q You have no idea?

14 A I don't know.

15 Q Did you ever attend any meetings where  
16 anybody said that was an issue?

17 A No.

18 Q Has anybody ever complained to you about  
19 having to work pre-shift time.

20 A No.

21 Q When you were a CSR, what did you have to  
22 do to get ready to take calls?

23 A Show up on time, log into the telephone  
24 and turn on the computer.

25 Q Okay. Do you have to launch any

1 A I would do both at the same time at my  
2 starting time.

3 Q And about how long would it take for your  
4 computer to boot up and for you to launch the  
5 applications?

6 A A couple of minutes.

7 Q Two minutes?

8 A Longer, probably, three minutes, maybe.

9 Q It would take three minutes in 1996 for  
10 you to boot up your computer?

11 A Three or four.

12 Q Three or four minutes?

13 A Yeah.

14 Q And launch all your applications?

15 A Yes, because the computers were very slow  
16 back then.

17 Q That's why, because they were slow back  
18 then.

19 Okay. And you don't remember the names  
20 of the applications. Do you remember how many?

21 A I don't remember, no.

22 Q What is a comparison report?

23 A A comparison report is a report done by  
24 the manager group each day that compares a person's  
25 schedule to the actual log-in/log-out report.

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1 applications?

2 A That's what I mean by turning on the  
3 computer.

4 Q So you just turn on the computer and what  
5 would you have to do at that point?

6 A Some applications would come up  
7 automatically, and any that didn't, you would start  
8 yourself.

9 Q Okay. Which ones would you start  
10 yourself?

11 A I don't remember the names of them. This  
12 is many years ago.

13 Q Do you know if they still use them?

14 A I don't know. We don't -- we don't have  
15 that department anymore.

16 Q How long would it take for you to --  
17 strike that.

18 Did the computer have to be up and  
19 running before you could log into the phone system?

20 A No.

21 Q You could always log into the phone  
22 system independently of the computer?

23 A Yes.

24 Q And did you do that right when you got  
25 there?

1 (Thereupon, marked for identification,  
2 Plaintiff's Exhibit Number P-3.)

3 BY MR. LANGE LAND:

4 Q I'm turning your attention to Exhibit 3.  
5 Is that a comparison report?

6 A Yes.

7 Q Who is Nancy Clark?

8 A Nancy Clark is the person who is  
9 designated by the manager to create this report.

10 Q She is a senior?

11 A I don't believe she was a senior. I  
12 believe that she's the designee for this report.

13 Q And there is a designee in each group?

14 A Yes. Most -- most often, it's the  
15 senior.

16 Q And how do you know that?

17 A Because we receive the reports.

18 Q They send these reports to you?

19 A Yeah.

20 Q For how long have they been doing that?

21 A A good year.

22 Q And the comparison report gives the  
23 scheduled start time?

24 A Yes.

25 Q It also gives the log-in time started?

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1 A Yes.  
 2 Q Can you look in the column that says:  
 3 Avaya/CMS, Log-in, Time Started?  
 4 A Yes.  
 5 Q And by looking at the column, do you see  
 6 that the log-in times are before the start time?  
 7 MR. RAY: Objection to the extent it  
 8 mischaracterizes the document.  
 9 BY MR. LANGE LAND:  
 10 Q In most instances --  
 11 A In most -- in most instances that I'm  
 12 looking at, I see actual log-in time before the  
 13 scheduled start time.  
 14 Q And, in some cases, it's say 10 minutes  
 15 beforehand?  
 16 A I see 3 minutes beforehand, 4 minutes  
 17 beforehand and, et cetera, on down the line.  
 18 Q There's a 9:49 for a 10:00 a.m. start  
 19 time; is that right?  
 20 Do you see that one?  
 21 A Yes.  
 22 Q Do you have any idea whether they're paid  
 23 overtime for that time?  
 24 A I don't know. It's not my -- not my  
 25 area.

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1 Q Has a manager ever sent you an e-mail  
 2 saying, hey, this was overtime that was worked?  
 3 A I wouldn't receive that. Someone else in  
 4 my department would receive that.  
 5 Q Okay. So that would go to --  
 6 A Tonya.  
 7 Q -- Tonya.  
 8 And has she ever told you, hey, I  
 9 received this e-mail because people were working  
 10 before their shift time -- their scheduled start time?  
 11 A It wouldn't be phrased that way. If  
 12 overtime had been scheduled, we would get a  
 13 notification from the manager to schedule -- to put  
 14 overtime in on a particular day.  
 15 Q And have you ever heard that they have  
 16 done that because the -- the Avaya log-in time was  
 17 before the scheduled start time?  
 18 A No.  
 19 Q And you receive these comparison reports  
 20 how often?  
 21 A It's a daily report that they can send to  
 22 us either daily or at the end of the week for the  
 23 whole week.  
 24 Q And do you look at them?  
 25 A Not me personally, but the group -- my

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1 WorkForce Management group that I'm in looks at them.  
 2 Q Who looks at them?  
 3 A Tonya McKay, Derrick Dunston and  
 4 Phyllis Farrell.  
 5 Q Who's Phyllis Farrell?  
 6 A She's our -- our working partner in  
 7 Dallas.  
 8 Q Dallas.  
 9 Have you ever told any manager that you  
 10 think that there should be overtime paid because these  
 11 start times precede the scheduled start time?  
 12 A I don't get involved in that at all.  
 13 Q But you're supposed to ensure that proper  
 14 reports are being done, aren't you?  
 15 MR. RAY: Objection, vague.  
 16 BY MR. LANGE LAND:  
 17 Q Are you subject to the Business Conduct  
 18 Guidelines?  
 19 A Yes.  
 20 Q Can you submit a false report?  
 21 A No.  
 22 Q Can anybody in IBM submit a false report  
 23 according to those guidelines?  
 24 A It's reasonable to assume that the  
 25 guidelines say no.

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1 Q So if a guy was working, you know, a CSR  
 2 was working 15 minutes before their designated start  
 3 time and they weren't getting paid for that, wouldn't  
 4 that be a false report?  
 5 MR. RAY: Objection, lack of foundation.  
 6 You can answer.  
 7 THE WITNESS: I'm -- I am not sure how to  
 8 answer the question. Please repeat the  
 9 question.  
 10 BY MR. LANGE LAND:  
 11 Q If a CSR is showing up for work early,  
 12 say 15 minutes, but not being paid for it, isn't that  
 13 a false report?  
 14 A Define "showing up."  
 15 Do you mean -- define what you mean by  
 16 "showing up."  
 17 Q Let's say they log in -- let's say a  
 18 person comes in and logs in at 9:49 a.m. for a start  
 19 time of 10:00 a.m., and they aren't being paid for  
 20 that 11 minutes, shouldn't they be?  
 21 A But their start time is not until like  
 22 9:00 o'clock?  
 23 Q No, it's at 10:00.  
 24 A But their start time isn't until 10:00  
 25 o'clock.

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1 Q Right.  
 2 A You know, I'm sorry. That's a manager  
 3 thing. I just do not get involved in that.  
 4 Q What does it mean when it says: Send  
 5 update to WFM to update records (15 minutes or more)?  
 6 A The -- we -- we do things in 15 minute  
 7 increments, and that actually doesn't apply anymore.  
 8 You don't -- you can disregard that.  
 9 This is a -- this is an early -- what's the date on  
 10 this?  
 11 Q June 25, 2008.  
 12 A Okay. This is actually a -- we don't go  
 13 by that anymore.  
 14 At one time we thought it would be easier  
 15 if we did everything in 15-minute increments, but it's  
 16 not.  
 17 We can -- we can put -- we can put any  
 18 amount in there at all in the schedules.  
 19 Q What was the purpose of this comment:  
 20 Send update to WFM to update records (15 minutes or  
 21 more)?  
 22 A It's -- it's not all one message. You're  
 23 talking about two things.  
 24 The first item is enter an update and  
 25 copy and do a note to WFM at -- and it gives our Lotus

1 the newer -- newer copies of this report.  
 2 This is -- even though this report is  
 3 dated this summer, it's been some time since that's  
 4 even appeared on any copies of reports that -- you  
 5 know, any blanks that we have sent out to them.  
 6 Q So after 6/25/2008, this form has  
 7 changed?  
 8 A Before that time.  
 9 Q So why did this person use --  
 10 A I don't know. But it's a moot point  
 11 because we've always entered exactly what -- what the  
 12 numbers were.  
 13 Q Where did you enter it?  
 14 A We take -- we take any entries here -- in  
 15 this case, there's only one entry, and that's an  
 16 absence for medical for the first person.  
 17 We enter that into the person's schedule  
 18 for the day to show that they were absent for the day,  
 19 and that's the only -- that's the only entry for this  
 20 report.  
 21 Q Where does it show that that person was  
 22 absent because of medical, and are you referring to  
 23 this --  
 24 A The very first person.  
 25 Q Dionis Heard?

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1 Notes address. That's where to send it to.  
 2 And where it says to update records,  
 3 parenthesis, 15 minutes or more, that -- that was at a  
 4 one time -- I just answered this.  
 5 It was at one time we were going to put  
 6 everything into 15-minute increments, but the managers  
 7 wanted to record everything, even if it's a -- even if  
 8 it's only 10 minutes.  
 9 So we now record whatever the manager  
 10 puts down there.  
 11 Q What do you mean?  
 12 What do you record?  
 13 A Whether it's -- even if it's less than 15  
 14 minutes, we will enter that -- those number of  
 15 minutes.  
 16 Q What is "it's"?  
 17 What is the number of minutes that you're  
 18 entering?  
 19 A The difference between the scheduled  
 20 start time and the log-in.  
 21 Q So before, you disregarded any --  
 22 A No, we never actually did disregard.  
 23 We've always put everything in there.  
 24 What we disregarded was the 15 minutes or  
 25 more statement, and that's not on any of the -- any of

1 A Yes.  
 2 Q Okay.  
 3 A If you read across, it has scheduled  
 4 start time never actually logged in according to the  
 5 time in, according to the log-in/log-out.  
 6 And the reason that was entered is  
 7 medical so --  
 8 Q Okay.  
 9 A -- this person is absent for that day.  
 10 Q So you don't enter anything -- see where  
 11 it says 2:57 is the log-in time for --  
 12 A It will --  
 13 Q -- Reginald McArthur -- let me finish.  
 14 A Sorry.  
 15 Q So the start time for Reginald McArthur  
 16 is 2:57, and his scheduled start time is 3:00 p.m.  
 17 You don't do anything with that data?  
 18 A No.  
 19 Q Okay. So what do you mean when you say:  
 20 Send update to WFM to update records (15 minutes or  
 21 more)?  
 22 You're saying you enter all of the time  
 23 as it's shown here --  
 24 A (Witness nodded head.)  
 25 Q -- but now you're saying you don't enter



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1 it anywhere.

2 A The only items entered on this report  
3 into our -- into our records is the last column, and  
4 that will be either a number of minutes, the  
5 difference between the schedule and the start time  
6 or -- or a full absence or whatever the item is,  
7 that's what we're entering into it.

8 There were -- in this case, there were  
9 no -- no lates. There was no late. There's a  
10 one-minute late and a two-minute late, but there's --  
11 but we don't include one or two minutes because  
12 there's a five-minute leeway.

13 And the only absence is the medical, and  
14 that's the -- so that's the only entry that we're  
15 making from this report into our records.

16 Q And what records -- where do you enter  
17 it?

18 A The Totalview schedule, into his schedule  
19 to show that he was absent on that day.

20 Q So you don't show, for example, that this  
21 person logged in -- Reginald McArthur logged in three  
22 minutes before his scheduled start time.

23 That doesn't go anywhere.

24 A It doesn't go into my software.

25 Q Right. You don't --

1 accurately reflect the time that they came in.

2 A It doesn't reflect any time at all that  
3 they are there. It only reflects when they log into  
4 the telephone.

5 Q Do you have any idea whether people are  
6 paid for these minutes?

7 A Not my area. I don't know.

8 Q You could pull up these reports for all  
9 of the groups since you started making the reports;  
10 isn't that right?

11 MR. RAY: Objection. Which groups?

12 MR. Langeland: All the groups we've been  
13 talking about.

14 MR. RAY: In IMBPD.

15 MR. Langeland: Yes.

16 THE WITNESS: Yeah. In IMBPD, we have  
17 not thrown out any reports.

18 BY MR. Langeland:

19 Q Are there places other than IMBPD that  
20 use a comparison report?

21 A I would be unaware. I don't know.

22 Q Just one other question on this: When  
23 you were referring to this suggestion that, you know,  
24 you only update the records for 15 minutes or more,  
25 that really means if a person is 15 minutes or more

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1 A I don't use that.

2 Q You don't use that for anything.

3 A No.

4 Q And you don't enter -- for example,  
5 anytime somebody logs in early, earlier than their  
6 start time, that's not something that you track.

7 A No. We're looking for late, not early.

8 This is -- this is an absence comparison  
9 report.

10 Q Okay. And this --

11 A It's part of absence reporting.

12 Q But this shows that a number of these  
13 people show up early, isn't that correct, or logged in  
14 early, earlier than their start time?

15 A Logged into the telephone.

16 Q Okay. So they had to be there, right?

17 A It shows that they were in attendance  
18 at -- at the time that they logged in, yeah.

19 Q This doesn't show what time they arrived;  
20 is that correct?

21 A They don't -- that's right. It only  
22 shows what time they logged into the telephone.

23 Q And so if they've been instructed not to  
24 log into the telephone until two or three minutes  
25 before their designated start time, this wouldn't

1 late; is that correct?

2 A No. You can disregard that. That was  
3 never used.

4 Q Okay. But isn't that what it would be  
5 intended for because you're only tracking lates; am I  
6 right?

7 A No. We're tracking lates or absences.

8 Q But absences wouldn't have a --

9 A You're asking if someone was less than 15  
10 minutes late, would we then not report that.

11 Is that what the question is?

12 Q Yes.

13 A No. We never -- we never used this  
14 15-minute item. It should be ignored.

15 Q Do you know if IBM has conducted any  
16 surveys about hours worked by CSRs?

17 A I don't know.

18 Q Have they conducted any surveys about  
19 off-the-clock work to your knowledge?

20 A I don't know.

21 Q Conduct any surveys about non-productive  
22 time for CSRs?

23 A I don't know.

24 Q Have they conducted any surveys about  
25 call center productivity?

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1 A Surveys about call center productivity?  
 2 I don't know.  
 3 Q You don't know Gary Lambousis, I think  
 4 you testified?  
 5 A No.  
 6 MR. RAY: I think it's George Lambousis.  
 7 BY MR. LANGELAND:  
 8 Q I'm sorry. George?  
 9 A No, I don't know the name.  
 10 Q And Vicki Reidy you don't know?  
 11 A No.  
 12 Q Are any of the CSRs independent  
 13 contractors?  
 14 I think you testified they were.  
 15 A Not independent contractors. We -- we  
 16 get them from an employment agency, so they work for  
 17 the employment agency, not IBM.  
 18 Q Are you aware of any call centers in New  
 19 York?  
 20 A I know you mean by that IBM call centers,  
 21 and I'm not familiar with that area, no.  
 22 Q Do you know Stacy Hal (phonetic)?  
 23 A No.  
 24 Q Do you know of any studies about inbound  
 25 call patterns that IBM has done?

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1 A Studies of IBM -- of inbound call  
 2 patterns.  
 3 I run reports that will gather history on  
 4 a particular group's volume history.  
 5 Q And what do you use that then for?  
 6 A To generate -- it's part of an analysis  
 7 to determine what head count would be appropriate for  
 8 a group.  
 9 Q Turning your attention back -- I'm  
 10 sorry -- just to your e-mail on the new DOR which is  
 11 Exhibit 2 --  
 12 A Sure.  
 13 Q -- did any manager ever come back to you  
 14 and tell you this should not -- this is wrong?  
 15 A No.  
 16 Q Did anybody tell you that CSRs should not  
 17 show up 10 minutes before their scheduled start time?  
 18 A I received no feedback.  
 19 Q So nobody told you this is an inaccurate  
 20 statement of the policy?  
 21 MR. RAY: Objection to the extent it  
 22 assumes facts not in evidence.  
 23 THE WITNESS: And I received no feedback  
 24 about this.  
 25

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1 BY MR. LANGELAND:  
 2 Q Did anybody change or clarify what you  
 3 said in that e-mail?  
 4 A No.  
 5 Q Were there any follow-up e-mails that  
 6 said what this really means is...  
 7 A There has been no -- no followup, no  
 8 feedback.  
 9 Q Were you disciplined for the e-mail?  
 10 A Excuse me?  
 11 Q Were you disciplined for sending the  
 12 e-mail?  
 13 A No.  
 14 Q Were you reprimanded in any way?  
 15 A No.  
 16 Q Were you informed that call center  
 17 employees had to get overtime if they showed up early?  
 18 A I received no feedback, no inquires about  
 19 this whatsoever.  
 20 Q Do you know what the following e-mail  
 21 distribution lists are: MBPD-CRM-Atlanta-All Reg  
 22 Employees 1?  
 23 A I'm not familiar. You do your own  
 24 distribution lists, so I would only know my own  
 25 distribution lists.

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1 Q So there isn't an IBM distribution list  
 2 for all CRM -- I'm sorry -- all CSR --  
 3 A No. It's -- each Lotus Note user makes  
 4 their own distribution list.  
 5 Q To your knowledge, is there one that goes  
 6 to all of the CSRs in -- I'm sorry -- CSRs in Atlanta?  
 7 A I don't know. I don't have one. I did  
 8 not construct one for myself.  
 9 Q I see.  
 10 Do you know who Janelle Betterson  
 11 (phonetic) is?  
 12 A No.  
 13 Q Leonard Butler?  
 14 A Yes.  
 15 Q Who is that?  
 16 A He is a -- he has been a manager in -- in  
 17 our call center previously. I'm not sure what his  
 18 title is.  
 19 Q Does he still work for IBM?  
 20 A I believe so.  
 21 Q Do you know where?  
 22 A No.  
 23 Q Do you know Juanita Carver?  
 24 A No.  
 25 Q I think you said Sarah Cerny was a



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1 manager?  
 2 A Yes.  
 3 Q Do you know Steven Coy?  
 4 A No.  
 5 Q Charene Dailey (phonetic)?  
 6 A Yes.  
 7 Q Who is that?  
 8 A She's a manager from Manpower, so she is  
 9 the manager over some of our contractors.  
 10 Q Does she work for Manpower?  
 11 A Yes. Charene Dailey?  
 12 Q Yes.  
 13 A Yes.  
 14 Q When you're referring to the CSRs as  
 15 about 250 --  
 16 A (Witness nodded head.)  
 17 Q -- does that include CSRs that work for  
 18 Manpower?  
 19 A Yes.  
 20 Q Who is Stanley Dait (phonetic)?  
 21 A He is an HR person. That's pretty much  
 22 all I know.  
 23 Q Where does he work?  
 24 A I don't know where his office is.  
 25 Q Is he in Atlanta?

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1 A I don't know.  
 2 Q How do you know who he is?  
 3 A When he first started in HR -- he toured  
 4 our call center, and so I was introduced to him.  
 5 Q If you have HR issues, do you talk to  
 6 him?  
 7 A I believe I could.  
 8 Q Who is your HR rep?  
 9 A I'm not aware if I have one.  
 10 Q Who is Rosanne Davis?  
 11 A She's one of the managers at Atlanta in  
 12 IMBPD.  
 13 Q Kerry Bethea you said has been promoted?  
 14 A Yes, was a manager. Now, he's -- I  
 15 believe -- I believe the title is Program Manager.  
 16 I'm not sure what the exact title is.  
 17 Q What are program managers?  
 18 A Someone who liaisons with -- between the  
 19 group that we've established and the sponsor.  
 20 Q Do you know what they do?  
 21 A That's the extent of my knowledge.  
 22 Q Okay.  
 23 A Yeah.  
 24 Q So that person, I guess, would talk to  
 25 the sponsor about their service levels, how well you

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1 guys are doing as a call center?  
 2 A I know that he's the middleman between --  
 3 he's the liaison between the sponsor and the group. I  
 4 don't know the details of his daily work.  
 5 Q Does a program manager still have  
 6 authority to direct CSRs to do certain things?  
 7 A He would work through the manager.  
 8 Q So he would direct the manager?  
 9 A The manager does not report to the  
 10 program manager. The program manager is off to the  
 11 side.  
 12 He could work with the manager if there  
 13 were any issues of procedure or whatever.  
 14 Q And do you know if the CSRs have to  
 15 follow the direction of the program manager?  
 16 A No. They follow the manager.  
 17 Q They don't have to follow the program  
 18 manager's direction?  
 19 A They report to the manager.  
 20 Q Right, but do they have to follow the  
 21 direction of the program manager?  
 22 A Not that I'm aware of.  
 23 Q Who is Otho Draper (phonetic)?  
 24 A Don't know.  
 25 Q Pete Draper?

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1 A No.  
 2 Q Daniel Dryer?  
 3 A No.  
 4 Q Sue Gallow?  
 5 A No.  
 6 Q Jeff Granger I think you testified was  
 7 a --  
 8 A He's a second-line manager in Atlanta,  
 9 yeah.  
 10 Q Does he have a particular responsibility  
 11 for any of the groups that we talked about?  
 12 A Yeah. He would take some groups and  
 13 Sharon Lofton takes the other groups.  
 14 Q Okay. Which groups does he take; do you  
 15 know?  
 16 A Call handle and CET.  
 17 Q Who is Denise Heinz Anderson?  
 18 A I don't know.  
 19 Q Michael Landry?  
 20 A He's -- he's a manager.  
 21 Q First-line manager?  
 22 A Yes, that's right.  
 23 Q And he reports to Granger?  
 24 A And I could have included his name along  
 25 with all of the others.

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1 Q Okay.  
 2 A Along with Sarah Cerny and Viki Torres  
 3 and all the others. He's a name -- if I didn't  
 4 mention it before, I could have.  
 5 Q Okay. He reports to Granger?  
 6 A He reports to Sharon Lofton.  
 7 Q Who is Mike McDonald?  
 8 A Don't know.  
 9 Q Lisa Moody I think you testified is a  
 10 first-line manager?  
 11 A That's right.  
 12 Q Who does she report to?  
 13 A Jeff Granger.  
 14 Q How about Greg Murphy?  
 15 A No.  
 16 Q Wendy Cowan Musgrove (phonetic)?  
 17 A She's a manager, first-line, reporting to  
 18 Sharon Lofton.  
 19 Q Anthony Perez?  
 20 A A first-line manager reporting to  
 21 Sharon Lofton, but he's in Dallas.  
 22 Q Why would a first-line manager from  
 23 Dallas report to Sharon Lofton?  
 24 A It's a very small group that ties into  
 25 Wendy Cowan's -- Wendy Musgrove's group, and so it

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1 seemed more opportune to have them both report to the  
 2 same manager.  
 3 Q The CSRs in Dallas, do they perform the  
 4 same functions as the CSRs in Atlanta?  
 5 MR. RAY: Objection to the extent it  
 6 calls for speculation.  
 7 THE WITNESS: As part of the IMBPD,  
 8 they -- if they worked in -- they would have  
 9 similar skills and, therefore, most likely  
 10 similar duties.  
 11 BY MR. LANGE LAND:  
 12 Q Do you track the same things in the DOR  
 13 for Dallas that you do for Atlanta?  
 14 A Yes.  
 15 Q So that's call volume and --  
 16 A Average handle time, yeah.  
 17 Q Do the Dallas call reps -- do they deal  
 18 with the same type of groups that we've been talking  
 19 about, in other words, software?  
 20 A In general, yeah.  
 21 Q Do the two call centers somewhat marry  
 22 each other?  
 23 A Yes. They're -- in some cases, depending  
 24 on the group, they're-- they are the safety net for  
 25 each other. If one center goes down, then the other

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1 is still up.  
 2 Q So Dallas is a backup for Atlanta and --  
 3 A And vice versa, yeah.  
 4 Q And the person who is head -- is there  
 5 one person who is the head of both Atlanta and Dallas  
 6 in terms of the management?  
 7 A Yes. Melody Curtis.  
 8 Q Are you aware of any kind of special  
 9 differences with any of the Dallas call center  
 10 employees?  
 11 A A difference between employees?  
 12 Q Is there any special difference between  
 13 them and the people who are employed as call center  
 14 employees in Atlanta?  
 15 A Not in general.  
 16 Q Okay.  
 17 A About -- about the same.  
 18 Q Who is Greg Riggs (phonetic)?  
 19 A Don't know.  
 20 Q Peter Starratt you've already --  
 21 A Yeah. He's a first-line manager  
 22 reporting to Jeff Granger.  
 23 Q How about Kevin Sullivan?  
 24 A Don't know the name.  
 25 Q And Karen Troutman is a first-line

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1 manager reporting to Granger.  
 2 A Yes.  
 3 Q Who is Randall Whompler (phonetic)?  
 4 A Randy Whompler was in our IMBPD call  
 5 center in Atlanta previously.  
 6 He is now elsewhere, although, I believe  
 7 still with IBM.  
 8 Q What does he do; do you know?  
 9 A I don't know, no.  
 10 Q James Waters?  
 11 A Don't know.  
 12 Q Kathryn Waylon (phonetic)?  
 13 A Yeah. Kathy Waylon is -- was formerly in  
 14 our IT department. We discussed her earlier -- or no,  
 15 no, we didn't discuss her earlier -- and she is now  
 16 performing the same -- did I say IT?  
 17 Q Yes.  
 18 A I meant Telephony, not IT.  
 19 Q And is that what you meant with  
 20 Jane Jesser as well?  
 21 A No. She was IT, and she is -- and she is  
 22 not with AT&T, still performing the same duties.  
 23 Q Who, Kathryn Waylon?  
 24 A Yeah.  
 25 Q What does she do with Telephony?

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1 A I am not in a position to really define a  
 2 job description for what Telephony does except to say  
 3 that anything that would have to do with telephones  
 4 and then the switch, we go through them.  
 5 Q Okay. And who is the, you know, head of  
 6 that group in Atlanta?  
 7 A I don't know who she reports to.  
 8 Q Who is in Atlanta that deals with  
 9 Telephony issues?  
 10 A I go -- I go to Kathy Waylon, and I'm  
 11 sorry, since -- there's been a change, and I don't  
 12 know who she reports to.  
 13 Q Has there ever been any complaints that  
 14 the Avaya system is slow or anything of that nature?  
 15 A Avaya slow?  
 16 Q Yes.  
 17 A Avaya is the interface for CMS and, yes,  
 18 I can think of one instance where -- where there would  
 19 be a complaint about Avaya CMS being slow.  
 20 Q What was the complaint?  
 21 A My own queries going through Dallas would  
 22 be -- would be slow.  
 23 Q What kind of queries are you talking  
 24 about?  
 25 A Queries for the DOR, as a matter of fact,

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1 a query pulling information on Dallas groups would  
 2 come back slow as opposed to the same query for an  
 3 Atlanta group.  
 4 Q Okay.  
 5 A That's my own. I'm not aware of any  
 6 others.  
 7 Q What about -- who is Olivette Whipple  
 8 (phonetic)?  
 9 A That's -- that's the name I was going to  
 10 refer to at a later time, and that was what her name  
 11 was.  
 12 That's who Melody Curtis reports to.  
 13 Q Okay. What about Deb Wooton?  
 14 A Deb Wooton is a recent addition.  
 15 Excuse me, I should say that Melody  
 16 Curtis reports to Deb Wooton who reports to her, to  
 17 Olivette Whipple.  
 18 Q So Olivette Whipple is, basically, the  
 19 head of all call center IMBPD?  
 20 A She -- she is responsible for more than  
 21 just the Atlanta/Dallas call centers.  
 22 I don't know -- I don't know what. I've  
 23 never found out, never inquired.  
 24 Q By "responsible for more," what do you  
 25 mean?

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1 A I don't know. I know that -- I know that  
 2 she covers more than just Atlanta/Dallas.  
 3 Q Do you mean more call centers?  
 4 A I presume.  
 5 Q Do you know where any of them are?  
 6 A No.  
 7 Q Is she the head of all call centers?  
 8 A I don't know.  
 9 Q Do you know what her title is?  
 10 A No.  
 11 Q Who does she report to?  
 12 A It's on the tip of my tongue. I don't  
 13 remember the name.  
 14 Q Do you know what computer systems the  
 15 CSRs use?  
 16 A Computer systems. If you mean the  
 17 operating system, it's Windows.  
 18 Q And what kind of hardware is it; do you  
 19 know?  
 20 A IBM hardware.  
 21 Q Who would be the person most  
 22 knowledgeable about the Avaya phone system?  
 23 A My contact would be Kathy Waylon in  
 24 Telephony.  
 25 Q And what about e-TOTALS?

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1 Who would be the most knowledgeable about  
 2 that? Do you have any --  
 3 A I don't know.  
 4 Q And what about the ILC?  
 5 Who would be the most knowledgeable  
 6 person about the ILC?  
 7 A I don't know. I would have to ask my  
 8 manager.  
 9 Q Do you know Charlie Seward?  
 10 A Yes.  
 11 Q How do you know him?  
 12 A He's someone who has worked in Atlanta in  
 13 our Atlanta call center.  
 14 Q Okay. Have you had personal contact with  
 15 him?  
 16 A A nodding acquaintance in the hall.  
 17 Q Have you ever spoken to him?  
 18 A Rarely.  
 19 Q Do you know why he brought the lawsuit?  
 20 A I'm sorry. Say it again.  
 21 Q Do you know why he brought the lawsuit?  
 22 A No.  
 23 Q You have no idea what it's about?  
 24 A Oh, about being paid for time not logged  
 25 in?

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1 Am I saying that correctly?  
 2 Q Right. I mean, we talked about  
 3 off-the-clock work before.  
 4 A Yeah.  
 5 Q And I don't want to put words in your  
 6 mouth.  
 7 A I don't want to characterize his -- his  
 8 intentions.  
 9 Q I mean, do you have any understanding  
 10 what the lawsuit is about?  
 11 A Yes.  
 12 Q Okay. What is it?  
 13 A Being paid for time not logged in.  
 14 Q What does that mean?  
 15 A Being -- working but not logging in.  
 16 Q Okay. And that's what the lawsuit is  
 17 about is about CSRs who work but aren't logged in?  
 18 A I'm not sure. I'm sorry. I'm not sure.  
 19 Q Okay. I just wanted to know what your  
 20 understanding of it was.  
 21 Do you know Ray Liles?  
 22 A No.  
 23 Q Jim Starkey?  
 24 A No.  
 25 Q Eugene Scott?

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1 A Yes. He's a former employee that I had a  
 2 nodding acquaintance with, you know, in the halls.  
 3 Q Any discussions with him?  
 4 A Not -- not in the last few years.  
 5 Q Ever?  
 6 A Topical -- just topical small-talk.  
 7 Q About how many discussions have you had  
 8 with him?  
 9 A Since he's worked here?  
 10 Q Yeah.  
 11 A A few, a few.  
 12 Q Okay. Were you friends?  
 13 A Not particularly, a nodding acquaintance,  
 14 you know.  
 15 He knew my name. I know his name, and we  
 16 say hi --  
 17 Q Okay.  
 18 A -- how you doing? How's the weather?  
 19 Q Okay. What about Cathy Barday? Do you  
 20 know her?  
 21 A Yes.  
 22 Q Have you had conversations with her?  
 23 A We've -- we have worked -- she worked --  
 24 I mean, she worked in Teach which is a -- which is a  
 25 group that we no longer have.

1 So in the same way as the other two. I  
 2 know her. I know her name and face and say hello to  
 3 her.  
 4 Q Do you know if she ever did the DOR?  
 5 A I do the DOR.  
 6 Q Do you know if she ever provided any data  
 7 for the DOR?  
 8 A Oh, okay. No, I'm not sure who -- who  
 9 provided that.  
 10 You're talking about the off-phone,  
 11 back-office portion of the DOR that I would get from  
 12 the manager groups.  
 13 Q Right.  
 14 A I'm not sure who from Teach was sending  
 15 that.  
 16 Q So you don't know.  
 17 A No.  
 18 Q Do you know Gary Sallis (phonetic)?  
 19 A No.  
 20 Q Any reason anybody would -- any manager  
 21 would say no one should be in AUX 3 at their start  
 22 time without prior approval?  
 23 MR. RAY: Objection, vague.  
 24 THE WITNESS: No one should be in AUX 3  
 25 prior to what?

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1 BY MR. LANGE LAND:  
 2 Q At their start time without prior  
 3 approval.  
 4 MR. RAY: The same objection, vague,  
 5 calls for speculation.  
 6 THE WITNESS: I would refer you to the  
 7 manager on that.  
 8 BY MR. LANGE LAND:  
 9 Q What would happen if somebody was in  
 10 AUX 3?  
 11 MR. RAY: Objection, vague and calls for  
 12 speculation.  
 13 BY MR. LANGE LAND:  
 14 Q What is AUX 3?  
 15 A AUX 3 is the -- is the AUX code that you  
 16 use, the state that you use when you're doing  
 17 back-office non-phone work that's measured by the  
 18 DORs, and nothing would happen if they were in that  
 19 state.  
 20 Q But you couldn't receive calls if that  
 21 were the case; am I right?  
 22 A That's right.  
 23 Q Okay. Is there any reason the manager  
 24 would want people to be available and available to  
 25 take calls right at their start time?

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1 MR. RAY: Objection to the extent it  
 2 calls for speculation, and it's vague.  
 3 THE WITNESS: Only -- only to the extent  
 4 that you want them working.  
 5 BY MR. LANGE LAND:  
 6 Q Right. And by "working," you mean  
 7 receiving calls?  
 8 A Yeah, either on a call or waiting for the  
 9 next call, yeah.  
 10 Q Why do you want them to do that?  
 11 MR. RAY: I'll object just to the extent  
 12 it calls for speculation.  
 13 THE WITNESS: In order to answer phone  
 14 calls within -- within goals.  
 15 BY MR. LANGE LAND:  
 16 Q And if you're in AUX 3, you can't do  
 17 that; is that correct?  
 18 A You're doing a different kind of work.  
 19 Instead of phone calls, you're doing a  
 20 different productive work.  
 21 Q But you can't.  
 22 A You can't take phone calls, right.  
 23 (Thereupon, marked for identification,  
 24 Plaintiff's Exhibit Number P-4.)  
 25 MR. RAY: Is this a part of another

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1 document?  
 2 MR. LANGE LAND: No.  
 3 MR. RAY: Do you know when this was  
 4 produced?  
 5 I see a Bates number on it P443.  
 6 MR. LANGE LAND: Do I know? I don't know  
 7 exactly when it was produced, no.  
 8 THE WITNESS: August the 23rd. It's in  
 9 the bottom right-hand corner.  
 10 MR. RAY: No. When it was produced in  
 11 the litigation.  
 12 THE WITNESS: Oh, I'm sorry.  
 13 MR. RAY: I thought this was attached to  
 14 something else.  
 15 MR. LANGE LAND: I mean, it could have  
 16 been in a series of other e-mails.  
 17 MR. RAY: I know P423 was produced last  
 18 Friday, so this was produced after that.  
 19 Okay. You can go ahead and ask  
 20 questions, and we'll reserve if we have any  
 21 objection which I don't as long as it was even  
 22 produced last night.  
 23 But I'm just not sure I have seen it as  
 24 an independent page.  
 25 MR. LANGE LAND: It was produced before

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1 then.  
 2 MR. RAY: Before last night?  
 3 MR. LANGE LAND: I believe this was  
 4 produced before last night.  
 5 MR. RAY: Well, even if it was produced  
 6 last night, as long as it was produced before  
 7 the deposition, I'm not going to have an  
 8 objection.  
 9 MR. LANGE LAND: I'm sure it was.  
 10 BY MR. LANGE LAND:  
 11 Q All right. Turning your attention to  
 12 Exhibit 4, what is this document?  
 13 A This is a log-in/log-out report.  
 14 Q So this shows when the call center  
 15 employee logged in and logged out?  
 16 A Yes.  
 17 Q And by logging in, we're talking about  
 18 logging into the Avaya phone; am I right?  
 19 A Yes.  
 20 Q By the way, if we -- for example, if you  
 21 look at July 2, 2008 where it says 8:50 a.m. -- do you  
 22 see that?  
 23 A Yes.  
 24 Q If his start time on that date -- his  
 25 regular start time was 9:00 o'clock -- could we go to

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1 a record somewhere and find out if he had been paid  
 2 overtime for those 10 minutes?  
 3 A I don't know. That's not my area.  
 4 Q So you don't know if we compared this to  
 5 ILC, whether or not we could find out whether --  
 6 A No. I have no knowledge in that area.  
 7 Q And we would not know if e-TOTALs would  
 8 reflect the additional time?  
 9 A I don't know.  
 10 Q Do you know if e-TOTALs records are kept?  
 11 A I don't know anything about e-TOTALs.  
 12 Q How long have you kept these  
 13 log-in/log-out reports?  
 14 A This is not a report of my particular  
 15 function. This is from the CMS database.  
 16 Q I see.  
 17 A And I don't know how long records are  
 18 kept on that.  
 19 Q What is -- strike that.  
 20 What is a log-in, slash, log-out agent?  
 21 A It's a log-in/log-out report for one  
 22 particular agent.  
 23 Q I see. When it says: Logout reason, 0,  
 24 what does that mean?  
 25 A That's never been used to my knowledge.



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1 I've never seen -- I've never seen it used.  
 2 Q Do you have any understanding of what  
 3 this means, this 320 column?  
 4 A Uh-huh, yes. 320 and 51s are skills  
 5 through which they're receiving their phone calls.  
 6 Q So explain that to me.  
 7 A It's -- 320 is a skill. I don't know the  
 8 name of it. It's probably some software CET incoming  
 9 call skill that comes through skill 320 to -- to  
 10 people who have that skill in their profile so that  
 11 they can answer those questions.  
 12 Q I see. And each particular skill would  
 13 have a number?  
 14 A Yes.  
 15 Q And would there be other people other  
 16 than Charles Seward that would have this skill of 320  
 17 to your knowledge?  
 18 A Yes.  
 19 Q And it would be everybody on his group, I  
 20 take it?  
 21 A I don't know if everyone, but it would be  
 22 other people in his group, yes.  
 23 Q But that might be -- other people in  
 24 other groups might have a skill 320, too?  
 25 A No. That would be only -- only in his

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1 group.  
 2 Q Why is that?  
 3 A That's -- because they're the ones --  
 4 only those people in that group are trained to accept  
 5 calls from skill 320.  
 6 Q And what about 51?  
 7 What does that mean?  
 8 A It's another skill, the same as 320.  
 9 Q And would that also be limited to his  
 10 particular group?  
 11 A Yeah.  
 12 Q And you don't know what the particular  
 13 skills are that are designated by 320?  
 14 A No. I'd have to -- no, I don't. You'd  
 15 have to look up what the name is.  
 16 Q And where would you look that up?  
 17 A In -- in CMS.  
 18 Q CMS would have a list --  
 19 A The same place where this is run has a  
 20 list of what the skills' names are.  
 21 Q And where it says: Extension, is that  
 22 simply his telephone extension?  
 23 A Yes.  
 24 Q When it says: Riveredge, slash -- I'm  
 25 sorry -- underscore ACD3, what does that mean?

1 A Riveredge uses -- Atlanta in Riveredge  
 2 uses -- our ACD is No. 3.  
 3 Q What is ACD?  
 4 A ACD is the switch. It's the Atlanta  
 5 switch.  
 6 Q What is that?  
 7 A It's the Atlanta telephone base.  
 8 Q Okay. How many others are there?  
 9 A Usually one for any particular city that  
 10 you're in.  
 11 There's one for -- that's called Dallas.  
 12 The one for Atlanta is called Riveredge. Toronto  
 13 would have its own, you know, its own ACD.  
 14 Q What else have you seen?  
 15 A That's all.  
 16 Q You've only seen Dallas?  
 17 A Three ACDs, yeah.  
 18 Q What is messaging.ibm?  
 19 Do you see that in the lower --  
 20 A I don't know what that is. That's not  
 21 part of this report.  
 22 The bottom of this report stops where it  
 23 says: Double Click to Run Format Table. And anything  
 24 below that is just the bottom that's being shown of  
 25 the computer screen.

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1 Q Okay. How does On Demand work; do you  
 2 know?  
 3 A I don't know.  
 4 Q What about Avaya CMS Super?  
 5 A That's Avaya CMS Supervisor, and that's  
 6 the interface. That's the gooey to what you're seeing  
 7 here to get to this log-in/log-out report or any other  
 8 CMS report.  
 9 Q What about AT&T?  
 10 Do you see that tab? It's the second  
 11 one.  
 12 A Oh, I don't know what that is.  
 13 Q Okay.  
 14 (Thereupon, marked for identification,  
 15 Plaintiff's Exhibit Number P-5.)  
 16 BY MR. LANGEAND:  
 17 Q Do you know what this document is?  
 18 A No, I don't. I've never seen it before.  
 19 I'm not sure there is a document.  
 20 Q So you don't produce anything like this?  
 21 A No. I'm not familiar with this.  
 22 Q Okay. But this shows the number of calls  
 23 taken by Charles Seward, I take it?  
 24 A It looks like, yeah.  
 25 Q Are there any variables on here that you



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1 track?  
 2 A We track -- we go through CMS again which  
 3 is the same place where you get the log-in/log-out  
 4 reports, and we can track number of calls.  
 5 There is -- there are CMS reports that  
 6 can pull some of this. I -- I don't know what  
 7 software this came from.  
 8 Q Do you know what these columns mean, for  
 9 example, ATT?  
 10 Do you know what that means?  
 11 MR. RAY: I'll just object to the extent  
 12 he says he doesn't recognize the report.  
 13 He can talk generally about what certain  
 14 things mean in a vacuum but not with respect to  
 15 this report.  
 16 THE WITNESS: I'm not sure what the ATT  
 17 is referring to.  
 18 BY MR. LANGE LAND:  
 19 Q Do you know what ACW greater than  
 20 objective of 20 percent means?  
 21 A Yes. That would mean being -- having the  
 22 time that you spent in after-call work be -- let me  
 23 just say that ACW stands for after-call work.  
 24 Q Why are you interested in that variable?  
 25 A I'm not. I'm not interested in this

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1 variable.  
 2 Q Why does anybody --  
 3 A It's --  
 4 MR. RAY: Object to the extent it calls  
 5 for speculation. You can testify to the extent  
 6 you can.  
 7 THE WITNESS: So I don't know.  
 8 BY MR. LANGE LAND:  
 9 Q But you guys look at after-call work or  
 10 you don't?  
 11 A After-call work is automatically part of  
 12 what we measure as average handle time, so I don't  
 13 have to ever look, specifically, at after-call work.  
 14 Q Okay. So what makes up average handle  
 15 time?  
 16 A Talk time, hold time, transfer time,  
 17 after-call work.  
 18 Q And what is after-call work?  
 19 A That is putting -- that is an automatic  
 20 state that you get once you hang up on a phone call in  
 21 order to finish paperwork before your next call comes.  
 22 Q Are you interested in minimizing that  
 23 figure for any reason?  
 24 A No. We measure it as part of the call.  
 25 Q But if that -- that is lower, your

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1 average handle time is better; is that correct?  
 2 A Your average handle time is shorter.  
 3 Q Yes.  
 4 A Yeah.  
 5 Q And that's what you want, right, is  
 6 shorter average handle time?  
 7 A That would -- the objective is to handle  
 8 the calls as quickly as possible, but also as  
 9 thoroughly as possible. So, in that sense, yes, you  
 10 would want your average handle time to be as short as  
 11 possible, but not to the extent that it would hurt the  
 12 quality of the call.  
 13 Q Right.  
 14 A But, in general, yes, you would want your  
 15 average handle time to be shorter.  
 16 Q Do you see the Sign-on Hours column here?  
 17 A I see it.  
 18 Q Do you have any idea what that means?  
 19 A No, I don't.  
 20 Q And what about Call OBSV?  
 21 A Calls observed. I'm sorry. I don't know  
 22 what that means.  
 23 Q What is CBT, slash, Errors?  
 24 A Don't know.  
 25 Q I guess Cust Sats, slash, Cust Commend is

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1 commendations, I take it?  
 2 A I'm not familiar with the term, and I  
 3 don't use it where I work.  
 4 Q All right. This seems to track late  
 5 lunch breaks, late from lunch and breaks?  
 6 MR. RAY: Objection just to the extent it  
 7 calls for speculation.  
 8 THE WITNESS: I've never seen this report  
 9 before, and I'm not sure how it's generated.  
 10 BY MR. LANGE LAND:  
 11 Q Do you know what it means when it says:  
 12 Audits?  
 13 MR. RAY: The same objection. It's all  
 14 speculative. He says he has never seen this  
 15 before.  
 16 MR. LANGE LAND: I mean, what's his  
 17 understanding?  
 18 MR. RAY: What is the report? You're  
 19 asking him what a report he's never seen means  
 20 by a word.  
 21 He can answer what audits are generally,  
 22 but not in the context of this report. He's  
 23 made that clear, but go ahead.  
 24 THE WITNESS: I don't know what it means.  
 25

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1 BY MR. LANGE LAND:  
2 Q Do you do any audits?  
3 A No.  
4 Q Your department doesn't do any audits?  
5 A No.  
6 Q Have you heard of anybody doing audits?  
7 A No. When you say the word "audit," I'm  
8 not sure exactly what you mean.  
9 I -- I will say that I will look at a  
10 report -- no, no, we don't audit. I don't think --  
11 no, I don't know what the column means.  
12 Q Okay.  
13 MR. LANGE LAND: Let's take a break for a  
14 minute, and I'm pretty close to being done.  
15 (Thereupon, a recess was taken.)  
16 BY MR. LANGE LAND:  
17 Q Have you ever heard that the start time  
18 entered in the ILC has to match the scheduled start  
19 time for the employee?  
20 A The ILC doesn't have a start time.  
21 Q It doesn't? Okay.  
22 But does it have to match --  
23 A It just has the number of hours.  
24 Q Total numbers of hours, okay.  
25 A Yeah.

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1 Q And does that have to match the scheduled  
2 time?  
3 A I've never heard either way.  
4 Q You've never seen any e-mail to that  
5 effect or anything?  
6 A No.  
7 MR. LANGE LAND: And can we mark this?  
8 (Thereupon, marked for identification,  
9 Plaintiff's Exhibit Number P-6.)  
10 BY MR. LANGE LAND:  
11 Q Exhibit 6 is a document that your counsel  
12 provided to me today.  
13 Have you seen this document before?  
14 A Yes.  
15 Q When?  
16 A I -- I wrote it or I'm sorry. I'm sorry.  
17 I'm the recipient of the letter.  
18 Q And who does it come from?  
19 A Adam Hutchinson from the Canadian  
20 WorkForce Management team.  
21 Q And what's Adam Hutchinson's position?  
22 A Similar to mine. He reported directly to  
23 Tom Guinard whom I was taking direction from.  
24 Q And he sent this e-mail to whom?  
25 A To two of his compatriots, me and

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1 Patrick Fleischmann. Patrick Fleischmann is our  
2 coworker in Toronto.  
3 Q And who is Vanessa Cook?  
4 A She's an assistant to -- she was an  
5 assistant to Tom Guinard, and she's the mathematician.  
6 She's the one who could -- was good on  
7 spreadsheets.  
8 Q So did she develop the spreadsheets for  
9 the DOR?  
10 A She and Tom together. I don't know what  
11 the mix was.  
12 Q What's the STJ team?  
13 A Saint John.  
14 Q There's a call center there?  
15 A Yes.  
16 Q How many people in that call center?  
17 A I don't know.  
18 Q And did you testify who -- I'm sorry if I  
19 asked you this but Tom Guinard, did you testify who he  
20 reported to?  
21 A I testified that I wasn't sure who he  
22 reported to.  
23 Q The e-mail says that this is going to  
24 help ensure accurate data; is that right?  
25 A Yes, to ensure accurate data. Yes, I see

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1 that.  
2 Q Why would you be interested in that?  
3 A This is a -- this is a time when the DOR  
4 report was changing, and this was a chance to give  
5 recommendations to the managers on how to have -- how  
6 to tighten up their reports, have the most accurate  
7 and best reporting.  
8 Q Why do you want to have tight reports?  
9 A In order to have accurate reports.  
10 Q And why would you want that?  
11 A Accurate reports itself is a goal.  
12 Q Just for the sake of having an accurate  
13 report?  
14 A In order -- accurate reporting in order  
15 to report on up to management.  
16 Q Okay. But isn't the purpose so that the  
17 call centers run more efficiently?  
18 MR. RAY: Objection to the extent it's  
19 been asked and answered.  
20 Go ahead.  
21 THE WITNESS: I'm sorry. I don't get  
22 your question.  
23 BY MR. LANGE LAND:  
24 Q I'm just wondering why when it says: As  
25 we move to a team-based view of the DORs, effective

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1 August 1st, 2006, please find below some  
2 recommendations which should help us ensure accurate  
3 data at a team view.

4 Why would you be interested in it?

5 A To me it's a -- it's a self-evident  
6 statement that you would want to have accurate data,  
7 and this is a list of items to -- to help that.

8 I can't tell you why, specifically,  
9 you're looking to ensure accurate data.

10 Q What do people use the DORs for?

11 A Managers use the DOR to determine how  
12 busy the agents are --

13 Q Okay.

14 A -- on a daily and weekly basis.

15 Q All right. So they use it to staff the  
16 call center appropriately?

17 A No. But if the numbers don't look  
18 appropriate, it would be an indication that a head  
19 count sizing should be done.

20 Q So it's an indication --

21 A It's an indicator, yeah.

22 Q Okay. If reps are only logging in at  
23 their start time even if they're showing earlier, is  
24 that ensuring that there's accurate data?

25 MR. RAY: Objection, vague. It calls for

1 by 9:00 o'clock.

2 Q But not log in before. Show up at 8:50  
3 and don't log-in until 9:00.

4 A It says be ready to begin your day when  
5 you're scheduled.

6 And by begin the day, I mean log on to  
7 the telephone and turn on your computer.

8 Q Okay. But you should arrive 10 minutes  
9 before then.

10 MR. RAY: Objection to the extent it  
11 mischaracterizes both his testimony and the  
12 document, and to the extent this line of  
13 questioning has already been asked and  
14 answered.

15 THE WITNESS: I believe it is saying that  
16 this is a general statement, and that it's not  
17 saying anything about 8:50, specifically, but  
18 rather please be prepared to start your day  
19 when the -- when your schedule begins at  
20 9:00 o'clock.

21 And by that, I mean, logging into the  
22 telephone and starting the computer.

23 BY MR. LANGE LAND:

24 Q Why should you start your scheduled day  
25 at your scheduled start time?

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1 speculation, assumes facts not in evidence.

2 THE WITNESS: I don't see the  
3 relationship between the two.

4 BY MR. LANGE LAND:

5 Q So this says to help ensure accurate data  
6 for the DOR -- for the new DOR, right?

7 I mean, that's -- that's the purpose of  
8 the recommendations?

9 A Yes.

10 Q But then it also says: CSR should  
11 continue to -- ensuring reps log in only as required,  
12 i.e., scheduled to work at 9:00, be ready at 8:50, but  
13 only log in at 9:00 a.m. to ensure we are not  
14 accumulating unproductive hours.

15 That doesn't seem accurate, does it?

16 MR. RAY: Objection to the extent it's  
17 argumentative, and it's been asked and answered  
18 several times when we were looking at this  
19 previously.

20 THE WITNESS: Your question is: Is it  
21 less -- your question is: Is it less accurate?

22 BY MR. LANGE LAND:

23 Q Isn't this e-mail telling you to shave  
24 off 10 minutes of time?

25 A No. It's telling you to be ready to work

1 Why would that be important?

2 A Because the schedules are generated with  
3 a view towards incoming volumes. And in order to  
4 answer the calls within the service level, you should  
5 have most -- you should have a lot of the percentage  
6 of your daily schedules adhered to.

7 Q Why did you choose to only include the  
8 first two paragraphs in your e-mail?

9 A In a quick review -- and I mean quick --  
10 it didn't seem to apply as much to my groups and I.

11 And I had already written most of my  
12 version of the letter, but I hadn't included anything  
13 directly about the CSRs themselves.

14 So I just quickly took the first two  
15 which is what I cut and paste into -- into my note.

16 Q Do you have any idea what this means:  
17 No. 3: Ensuring all sponsored activities not done  
18 while in ACW or directly linked to a call is captured  
19 in the DORs as a volume with a handle time?

20 A I'm not sure what that meaning means, and  
21 I didn't use that wording in my note.

22 Q What's ACW?

23 A After-call work.

24 Q Paragraph 4 says: In situations where  
25 the service level for the month or targeted

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1 achievement period have been achieved, reps that are  
2 not cross-trained and can't assist other missions may  
3 be offered a voluntary send home to manage cost and  
4 ensure occupancy remains relatively high.

5 Is that right?

6 A That's what it says. I did not use that  
7 wording.

8 That's a Canada -- that's a Canada thing  
9 to offer voluntary send home. We don't do that in the  
10 U.S.

11 Q And why does it say that "to manage  
12 cost"?

13 What cost is it referring to?

14 MR. RAY: Objection to the extent it  
15 calls for speculation.

16 THE WITNESS: The costs saved by sending  
17 a CSR home.

18 BY MR. Langeland:

19 Q Why -- why do you save money then?

20 How do you save money, by sending a CSR  
21 home?

22 A Yes.

23 Q How?

24 A If they volunteer to -- you know, it's  
25 not my area. It's not even my country. I'm not

1 Atlanta?

2 A Define "threatened," I guess.

3 Q What do you think it means?

4 A I will assume that it means service level  
5 not being met.

6 Q Okay. Has that ever happened in Atlanta?

7 A It has -- yes.

8 Q Okay. How could a service level not be  
9 met?

10 A If you fail to answer calls within a  
11 certain percentage -- I have to start over.

12 If you don't answer a certain percentage  
13 of calls within the agreed number of seconds.

14 Q Is that the only one?

15 A Yes. That's what a service level is.

16 Q Okay. So if people are in -- the more  
17 people are unavailable to answer calls but are  
18 working, the more in danger it is, the service level;  
19 is that right?

20 A No, not necessarily. It depends on how  
21 the group is answering the incoming calls, if they're  
22 answering them within the service level.

23 Q What do you mean by that?

24 A If the group is answering the calls  
25 within the service level, then it's not threatened.

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1 involved in it. I don't know what that means.

2 Q So this only applies to Canada?

3 A And I did not -- and I did not include it  
4 in my wording to Atlanta.

5 Q I'm wondering why?

6 A It didn't apply.

7 Q They don't voluntarily send people home  
8 in Atlanta?

9 A They don't offer -- that's right. They  
10 don't offer voluntary send home.

11 Q Okay. When it says -- what does it mean  
12 when a service level for the month or target period is  
13 threatened?

14 What does that mean?

15 MR. RAY: Where is that in the document?

16 MR. Langeland: Paragraph 4 in the  
17 parenthesis.

18 MR. RAY: I'll just object for lack of  
19 foundation and to the extent it calls for  
20 speculation.

21 THE WITNESS: And that's part of  
22 voluntary send home which is something that I  
23 have never been involved in, so I don't know.

24 BY MR. Langeland:

25 Q Can service level be threatened in

1 Q No, no. I understand that.

2 But let's say the group is not available  
3 to take the calls. Then how can they be meeting the  
4 service level?

5 A If a group is not available to take -- if  
6 a whole group is not available to take calls?

7 Q Yes.

8 A Would the service level suffer?

9 Q Yes.

10 A I don't know. It would depend on the  
11 circumstance because there are -- there can be calls  
12 taken in our sister center in Dallas.

13 Q So you're saying if there's a backup for  
14 that, then it might not affect the service level?

15 A That's right.

16 Q But let's assume we're just in Atlanta  
17 and there is a half an hour of -- for everybody in the  
18 group, there is a half an hour of time that they can't  
19 take a call every day.

20 A Every day a half an hour?

21 Q Yes. Would that affect the service  
22 level?

23 A All at the same time?

24 Q Yes.

25 A It may not affect the daily service level

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1 if the average of the whole day meets the service  
 2 level.  
 3 You would probably miss the service level  
 4 during that -- during that period -- during that  
 5 interval.  
 6 Q And you might miss it for the day?  
 7 A I don't know. You just don't know. It  
 8 depends on the volumes, and when they come in.  
 9 MR. LANGELAND: Okay. I don't have any  
 10 other questions.  
 11 MR. RAY: I just have a few questions.  
 12 EXAMINATION  
 13 BY MR. RAY:  
 14 Q Mr. Kamprath, can you take the exhibits  
 15 that you have there in front of you and turn to  
 16 Exhibit 4?  
 17 And I believe Mr. Langeland asked you  
 18 some questions about that exhibit which is entitled  
 19 Log-in/Log-out Agent?  
 20 Do you see that?  
 21 A Yes.  
 22 Q Seward, Charles.  
 23 A Yes.  
 24 Q There on log-in time -- or there is a  
 25 column for log-in time.

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1 Do you see that column there?  
 2 A Yes.  
 3 Q And there is various entries there,  
 4 correct?  
 5 A Yes.  
 6 Q What is your understanding of what that  
 7 column is capturing?  
 8 A This is the time of day that -- that the  
 9 agent is pressing a button on the phone to log into  
 10 the telephones.  
 11 Q And do you know how long it takes the  
 12 agent to log into the telephone?  
 13 A Oh, just a second.  
 14 Q And can you tell, Mr. Kamprath, by  
 15 looking at these log-in times whether the agent is  
 16 working yet?  
 17 A No, only that he's in attendance and has  
 18 logged in.  
 19 Q To the phone.  
 20 A To the phone.  
 21 Q Do you supervise any CSRs in IMBPD?  
 22 A No.  
 23 Q Have you ever supervised any CSRs in  
 24 IMBPD?  
 25 A No.

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1 Q Do you supervise anyone?  
 2 A No.  
 3 Q Do you have any authority, managerial  
 4 authority over CSRs and IMBPD?  
 5 A No.  
 6 Q Any authority over managers in IMBPD?  
 7 A No.  
 8 Q You've talked about the DOR reporting.  
 9 Is the DOR reporting that you're  
 10 responsible for limited solely to the IMBPD?  
 11 A Yes.  
 12 Q Do you have any understanding whatsoever  
 13 of e-TOTALs?  
 14 A No.  
 15 Q Do you have any knowledge of how any  
 16 manager within IMBPD manages overtime, meaning whether  
 17 they require their approval, et cetera, before a CSR  
 18 is working?  
 19 A No, sir. That's not my area.  
 20 MR. RAY: That's all I have.  
 21 MR. LANGELAND: I've just got a couple of  
 22 followups.  
 23 RE-EXAMINATION  
 24 BY MR. LANGELAND:  
 25 Q Turning your attention to Exhibit 4 --

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1 A Yes.  
 2 Q -- are you aware of any direction that  
 3 CSRs have gotten from anybody that tells them not to  
 4 log-in until just before their start time?  
 5 I'm sorry, their scheduled start time.  
 6 A Any direction --  
 7 Q Yes.  
 8 A -- to -- no.  
 9 Q You're not aware of any direction at all?  
 10 A No.  
 11 Q And once a -- somebody is logged into the  
 12 phone, does that mean they can start taking calls?  
 13 A Technically, you need to -- you can  
 14 receive phone calls, but you really should have your  
 15 computer turned on.  
 16 You should turn on your computer then to  
 17 have the application that you use for the phone call.  
 18 Q Okay. So in order, actually, to be at  
 19 all useful, you have to have the computer up and  
 20 running?  
 21 A Both the telephone and the computer, yes.  
 22 Q So until both the telephone and the  
 23 computer are up and running, the CSR can't really do  
 24 his job.  
 25 MR. RAY: Objection to the extent -- lack



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1 of foundation. It calls for speculation.  
 2 THE WITNESS: The CSR needs to log on to  
 3 the telephone and turn on the computer to do a  
 4 majority of his work.  
 5 BY MR. LANGE LAND:  
 6 Q How long does it take for the computer to  
 7 boot up for a CSR?  
 8 MR. RAY: Objection, calls for  
 9 speculation.  
 10 THE WITNESS: A few --  
 11 MR. RAY: Lack of foundation.  
 12 THE WITNESS: A few minutes. It probably  
 13 varies by group.  
 14 BY MR. LANGE LAND:  
 15 Q How do you know?  
 16 A I don't know.  
 17 Q So if they're not supposed to log on  
 18 until their start time to the phone, they have to be  
 19 there a few minutes beforehand, don't they --  
 20 MR. RAY: Objection.  
 21 BY MR. LANGE LAND:  
 22 Q -- in order to start their computer?  
 23 MR. RAY: I didn't mean to interrupt.  
 24 Objection, assumes facts not in evidence.  
 25 Plus that's a hypothetical.

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1 THE WITNESS: No. I'm saying log into  
 2 the telephone and turn on your computer at the  
 3 start time.  
 4 BY MR. LANGE LAND:  
 5 Q Right. So that means that you're not  
 6 going to be productive for the first however long it  
 7 takes for your computer to boot up; is that right?  
 8 MR. RAY: Objection just to the extent  
 9 calls for speculation and, again, lack of  
 10 foundation.  
 11 You can answer.  
 12 THE WITNESS: It sounds reasonable.  
 13 BY MR. LANGE LAND:  
 14 Q Right, because you need the computer to  
 15 do your job if you're a CSR, right?  
 16 MR. RAY: The same objection.  
 17 THE WITNESS: Yes, yes.  
 18 BY MR. LANGE LAND:  
 19 Q Have you ever done any studies as to how  
 20 long it takes for the computer to boot up?  
 21 A No.  
 22 Q When you say "a few minutes," it takes a  
 23 few minutes for that computer to boot up, do you know  
 24 how long it takes?  
 25 A I don't know. I'm not there.

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1 Q Are you speculating?  
 2 A I'm speculating.  
 3 MR. LANGE LAND: That's all I have.  
 4 MR. RAY: I just have a couple quick  
 5 follow-up questions just to clarify.  
 6 RE-EXAMINATION  
 7 BY MR. LANGE LAND:  
 8 Q On the log-in -- take a look at Exhibit 4  
 9 please, Mr. Kamprath.  
 10 On the log-in time there, I think you  
 11 testified that that represents when the CSR logs into  
 12 the telephone, correct?  
 13 A Yes, that's right.  
 14 Q And then there was a question asked  
 15 whether the CSR was able to take calls once they've  
 16 logged into the telephone, correct?  
 17 A Yes.  
 18 Q Will the phone switch transfer calls to a  
 19 CSR who's only logged into the phone?  
 20 A Not automatically. He would first have  
 21 to take a separate step to become available for the  
 22 phone calls.  
 23 Q Okay. And are you aware, Mr. Kamprath --  
 24 well, let me back up.  
 25 You testified that you don't supervise

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1 CSRs.  
 2 A That's right.  
 3 Q Don't manage them, right?  
 4 A That's right.  
 5 Q Can't really see them from your fish  
 6 bowl --  
 7 MR. LANGE LAND: Objection.  
 8 BY MR. RAY:  
 9 Q -- right?  
 10 A That's right.  
 11 MR. LANGE LAND: You're leading him.  
 12 BY MR. RAY:  
 13 Q Can you see the CSRs from your fish bowl?  
 14 A No.  
 15 Q Have you ever heard of CSRs who log into  
 16 their phone and log into the computer and take calls  
 17 while the computer is booting up?  
 18 A No.  
 19 Q Do you know whether it happens one way or  
 20 another?  
 21 A No, I don't know.  
 22 MR. RAY: That's all I have.  
 23 MR. LANGE LAND: I don't have anything  
 24 else.  
 25 (It was stipulated and agreed by and



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1 between counsel for the respective parties and  
 2 the witness that the signature of the witness  
 3 to the deposition be reserved.)  
 4 (Deposition concluded at 6:00 p.m.)  
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## ERRATA SHEET

1 Pursuant to Rule 30(e) of the Federal Rules  
 2 of Civil Procedure and/or O.C.G.A. 9-11-30(e), any  
 3 changes in form or substance which you desire to make  
 4 to your deposition testimony shall be entered upon the  
 5 deposition with a statement of the reasons given for  
 6 making them.

7 To assist you in making any such  
 8 corrections, please use the form below. If  
 9 supplemental or additional pages are necessary, please  
 10 furnish same and attach them to this errata sheet.

---

11 I, the undersigned, GARY A. KAMPRATH,  
 12 do hereby certify that I have read the foregoing  
 13 deposition and that said transcript is true and  
 14 accurate, with the exception of the following changes  
 15 noted below, if any:

16 Page \_\_\_\_ /Line \_\_\_\_ /Should Read: \_\_\_\_\_  
 17

18 Reason: \_\_\_\_\_  
 19

20 Page \_\_\_\_ /Line \_\_\_\_ /Should Read: \_\_\_\_\_  
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22 Reason: \_\_\_\_\_  
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24 Page \_\_\_\_ /Line \_\_\_\_ /Should Read: \_\_\_\_\_  
 25

26 Reason: \_\_\_\_\_  
 27

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## CERTIFICATE

1 I hereby certify that the foregoing  
 2 transcript was reported, as stated in the caption;  
 3 that the witness was duly sworn and elected to reserve  
 4 signature in this matter; that the colloquies,  
 5 questions and answers were reduced to typewriting  
 6 under my direction; and that the foregoing pages 1  
 7 through 242 represent a true, correct, and complete  
 8 record of the evidence given.  
 9 The above certification is expressly  
 10 withdrawn and denied upon the disassembly or  
 11 photocopying of the foregoing transcript, unless said  
 12 disassembly or photocopying is done under the auspices  
 13 of D'Amico Gershwin, Inc. and the signature and  
 14 original seal is attached thereto.  
 15 I further certify that I am not a  
 16 relative or employee or attorney of any party, nor am  
 17 I in any way interested in the result of said case.  
 18 Pursuant to Article 8B of the Rules and  
 19 Regulations of the Board of Court Reporting of the  
 20 Judicial Council of Georgia, I make the following  
 21 disclosure: That I am a Georgia Certified Court  
 22 Reporter, here as an independent contractor for  
 23 D'Amico Gershwin, Inc.; that I was contacted by the  
 24 offices of D'Amico Gershwin, Inc. to provide court  
 25 reporting services for this deposition; that I will  
 not be taking this deposition under any contract  
 prohibited by O.C.G.A. 15-14-37 (a) or (b); that I  
 have no written contract to provide reporting services  
 with any party to the case, any counsel in the case,  
 or any reporter or reporting agency from whom a  
 referral might have been made to cover this  
 deposition; and that I will charge my usual and  
 customary rates to all parties in the case.

This, the 20th day of November, 2008.

DEBBIE CHANDLER, RPR, CCR B-1701

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 2 Page \_\_\_\_ /Line \_\_\_\_ /Should Read: \_\_\_\_\_  
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21 \_\_\_\_\_  
22 GARY A. KAMPRATH,  
23 Sworn to and subscribed before me,  
24 \_\_\_\_\_, Notary Public.  
25 This\_\_\_\_day of\_\_\_\_, 20\_\_\_\_.  
25 My Commission Expires: